

## REMARKS

This Response is submitted in reply to the Office Action dated March 22, 2006. Claims 1, 4, 10, 18, 21, 29, 37, 40, 44, 46, 48, 51, 56 to 60, 62 to 64, 66 and 67 have been amended. The specification has been amended. No new matter has been added by such amendments.

A Petition for a One Month Extension of Time to file this Response and a Supplemental Information Disclosure Statement are submitted herewith. Please charge deposit account number 02-1818 for any fees which are due and owing in connection with this Petition, this Response and this Supplemental IDS.

The Office Action objected to Claim 44 as being dependent on Claim 420, which does not currently exist. Applicants have amended Claim 44 to dependent on Claim 42. Accordingly, Applicants submit that this objection has been overcome.

The Office Action rejected Claims 1, 10, 18 and 29 under 35 U.S.C. §102(e) as being anticipated by U.S. Published Patent Application No. 2002/0142822 to Baerlocher et al. ("Baerlocher").

Baerlocher discloses a gaming device having a game with a plurality of player selectable selections. A plurality of the selections are each associated with a numbers of steps. Different numbers of steps are associated different offers. The gaming device enables a player to pick selections to accumulate steps. The gaming device enables the player to accept or reject the offer associated with the accumulated number of steps. The game ends when the maximum number of offers have been awarded, the player accepts an offer, or the player's accumulated steps meet or exceed a termination limit equal to a number of steps.

Amended independent Claims 1 is directed to a gaming device including a plurality of offer components, wherein each of the offer component has an activated and a deactivated state, a plurality of awards, wherein each of the awards has an award value and each of the awards is associated with one of the offer components, and a plurality of different component number modifiers, wherein each component number modifier has a value. The gaming device includes a display device and a processor operable with the display device. The processor is programmed to select at least one

offer component to activate from the plurality of offer components, determine an offer based on the award values of all of the awards associated with the activated offer components, and enable a player to accept or reject the offer and provide the offer to the player if the player accepts the offer. If the player rejects the offer, the processor is programmed to select at least one of the component number modifiers, change the state of at least one of the plurality of offer components, wherein the number of offer components changing state is based on the value associated with the selected component number modifier, determine a subsequent offer based on the award values of all of the awards associated with the currently activated offer components, wherein the values of all of the awards associated with the currently activated offer components are each independent of the value of the selected component number modifier and reveal the subsequent offer to the player.

As discussed during the telephone interview, in the gaming device of amended independent Claim 1, the subsequent offer revealed to the player is based on the award values of the awards (associated with the currently activated offer components) which are independent from the value of the selected component number modifier. That is, the value of the selected component number modifier relates to the number of offer components (i.e., how many offer components) which will change state and not to which of the offer components will change state to form the subsequent offer. Furthermore, the value of the selected component number modifier does not relate to the award values associated with the offer components which will change state to form the subsequent offer. For example, as illustrated in Figs. 4B and 4C of the present application, the value "one" of the selected component number modifier (124) is independent of which of the offer components will change state (106 and 114) and the award value of the offer components which change state (the award value of twenty of the award associated with 114 changing to a deactivated state and the award value of two-hundred-fifty of the award associated with 106 changing to an activated state) to form the subsequent offer. This is different than the Office Action's interpretation of Baerlocher in which the value offered to the player to accept or reject is dependent on the number of steps associated with each picked selection. Unlike Baerlocher, in the

gaming device of amended independent Claim 1, the award values of the awards associated with the offer components (which form the subsequent offer) are each independent of the value of the selected component number modifier. Accordingly, for these reasons, Applicants respectfully submit that amended independent Claim 1 is patentably distinguished over Baerlocher and in condition for allowance.

Similar to amended independent Claim 1, amended independent Claims 10, 18 and 29 are each directed to a gaming device including, amongst other elements, a processor programmed to select at least one of the component number modifiers, change the selection of a number of the selected offer components, wherein the number of changed selected offer components is at least one and based on the value associated with the selected component number modifier, determine a subsequent offer based on the award values of all of the awards associated with the currently selected offer components, wherein the award values of all of the awards associated with the currently selected offer components are each independent of the value of the selected component number modifier, and reveal the subsequent offer to the player. As described above with respect to amended independent Claim 1, unlike Baerlocher, in the gaming devices of amended independent Claims 10, 18 and 29, the award values of the awards associated with the offer components (which form the subsequent offer) are each independent of the value of the selected component number modifier. Accordingly, for these reasons, Applicants respectfully submit that amended independent Claims 10, 18 and 29 are patentably distinguished over Baerlocher and in condition for allowance.

The Office Action rejected Claims 2 to 9, 11 to 17, 19 to 28 and 30 to 67 under 35 U.S.C. 103(a) as being obvious over Baerlocher et al. in view of GB 2,353,128 to Claypole et al. ("Claypole").

Claypole discloses a gaming device including a plurality of trails along which a player can progress upon achieving trail or move points. The points can be achieved via symbols provided on slot machine reels, which are activated by player input via button. In one embodiment, the gaming device includes nudge and hold features which

enable a player to control the position of each reel. In another embodiment, the gaming device includes a track feature and secondary trail features.

The Office Action states that one would be motivated to implement the features of Claypole when trying to realize the disclosure of using negative numbers as taught by Baerlocher. The Office Action concludes that it would be obvious to one of ordinary skill in the art at the time of the invention to incorporate the feature of negative numbers effectively to add a layer of player excitement to the game taught by Baerlocher.

Amended independent Claims 37, 48, 56, 57, 58 and 62 are each generally directed to a gaming device including, amongst other elements, a subsequent offer based on the award values of all of the awards associated with the currently selected offer components, wherein the award values of all of the awards associated with the currently selected offer components are each independent of the value associated with the selected component number modifier.

Regardless of it would or would not have been obvious to incorporate the negative numbers of Claypole into Baerlocher, Applicants respectfully submit that the gaming device resulting from the combination of Baerlocher and Claypole is patentably different than the gaming device of amended independent Claims 37, 48, 56, 57, 58 and 62. Unlike the gaming device resulting from the combination of Baerlocher and Claypole, the gaming devices of amended independent Claims 37, 48, 56, 57, 58 and 62 each include a subsequent offer based on the award values of all of the awards associated with the currently selected offer components, wherein the award values of all of the awards associated with the currently selected offer components are each independent of the value associated with the selected component number modifier. Accordingly, for these reasons, Applicants respectfully submit that amended independent Claims 37, 48, 56, 57, 58 and 62 are patentably distinguished over Baerlocher and Claypole and in condition for allowance.

Claims 2 to 9, 11 to 17, 19 to 28, 30 to 36, 38 to 47, 49 to 55, 59 to 61 and 63 to 65 depend directly from amended independent Claims 1, 10, 18, 29, 37, 48, 56, 57, 58 and 62 are also allowable for the reasons given with respect to Claims 37, 48, 56, 57, 58 and 62, and because of the additional features recited in these claims.

Amended independent Claims 66 and 67 are each generally directed to a gaming device including, amongst other elements, a subsequent offer based on the award values of all of the awards associated with the currently activated offer components, wherein the award values of all of the awards associated with the currently activated offer components are each independent of the determined number of activated offer components.

Applicants respectfully submit that the gaming device resulting from the combination of Baerlocher and Claypole is patentably different than the gaming device of amended independent Claims 66 and 67. Unlike the gaming device resulting from the combination of Baerlocher and Claypole, the gaming devices of amended independent Claims 66 and 67 each include a subsequent offer based on the award values of all of the awards associated with the currently activated offer components, wherein the award values of all of the awards associated with the currently activated offer components are each independent of the determined number of activated offer components. Accordingly, for these reasons, Applicants respectfully submit that amended independent Claims 66 and 67 are patentably distinguished over Baerlocher and Claypole and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,  
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